

NUNC PRO TUNC

JUN 26 2008

FILED

1 WILLIAM JOHN DAUGHTERY

2008 JUL -3 AM 10:24

2 CDCR# F79985

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

3 P.O. Box 2349/DIO-110UP

4 CHUCKAWALLA VALLEY STATE PRISON

BY:            DEPUTY

5 BLYTHE, CALIFORNIA 92226

6  
7 UNITED STATES DISTRICT COURT

8 SOUTHERN DISTRICT OF CALIFORNIA

9  
10 WILLIAM JOHN DAUGHTERY, ) CIVIL CASE NO. 08 CV 0408 WQH (BLM)

11 PLAINTIFF, V. ) MOTION AND REQUEST FOR ISSUANCE

12 DENNIS WILSON, S.D.P.D.,

) OF CIVIL SUBPOENA (DUCES

13 ESMERALDA TAGARAN, S.D.P.D.,

) TECUM) FOR PRODUCTION OF

14 SGT. GRIFFIN, S.D.P.D.,

) DOCUMENTS AS DISCOVERY AND

15 DET. LEMUS, S.D.P.D.,

) EXHIBITS FOR JURY TRIAL

16 CITY OF SAN DIEGO,

) WITH DECLARATIONS AND PROOF

17 SAN DIEGO POLICE DEPT.

) OF SERVICE. FRCP. RULE 45

18 DEFENDANTS. 11. 42 USC § 1983 SUOT

19 DATE: 19 JUNE 2008

20  
21 I, WILLIAM JOHN DAUGHTERY, PETITIONER AND PLAINTIFF

22 IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN

23 FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT

24 THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED

25 DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL

26 PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR

27 OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED

28 INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT

CONTINUED

WILLIAM JOHN DAUGHTERY V. D. WILSON, ETAL.  
CIVIL CASE NO.  
08 CV 0408 WQH(BLM)

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DATE: 6/19/2008

1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA  
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3  
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S) 45  
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS

6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION  
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS

8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF  
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE

10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTE

11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION  
12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED

13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR

14 FAILURE TO COMPLY WITH ITS ORDER. (F.R.C.P. 37)

15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND  
16 DELIVERY BE PERFORMED WITHIN A REASONABLE PERIOD,

17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT

18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA  
19 BE BORNE AND ADVANCED BY THE UNITED STATES

20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.

21 INFORMATION ELECTRONICALLY STORED MAY BE PRODUCED IN  
22 TRANSCRIPT FORM PROVIDING IDENTIFYING CHARACTERISTICS AND

23 FIDELITY IS NOT COMPROMISED BY SUCH. PARTY IS NOT EXPECTED  
24 TO SUFFER UNDUE BURDEN IN PRODUCING MATERIALS AND IS

25 NOT EXCUSED FROM FAILURE TO OBEY PER F.R.C.P. RULE 45(C), (3)  
26 (A), (i).

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WILLIAM DAUGHTERY  
CDCR # F-79985  
P.O. Box 2349/DIO-110UP  
BLYTHE, CA. 92226

DATE: 19 June 2008

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RE: 08CV0408 WQH (BLM)

REQUEST FOR CIVIL SUBPOENA (DUCES TECUM)

LIST OF ITEMS TO BE PRODUCED

IT IS REASONABLY EXPECTED THAT THE FOLLOWING  
MATERIALS AND DOCUMENTS AND OTHER TANGIBLE  
THINGS LIE WITHIN THE CONTROL, CUSTODY OR  
POSSESSION OF:

MULTIPLE CONFLICTS COUNSEL

WIL RUMBLE, SUPERVISING ATTORNEY - CRIMINAL

110 WEST "C" STREET, SUITE 1211

SAN DIEGO, CALIFORNIA 92101-3905

PER F.R.C.P. RULE 45(a)(1)(C) AND (D) REQUESTEE IS ADVISED:

(C) COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT

INSPECTION; SPECIFYING THE FORM FOR ELECTRONICALLY STORED INFORMATION

A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY STORED

INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE

INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA

COMMANDING ATTENDANCE AT A DEPOSITION HEARING, OR

TRIAL OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A

SUBPOENA MAY SPECIFY THE FORM OR FORMS IN WHICH ELECT-  
RONICALLY STORED INFORMATION IS TO BE PRODUCED.

(D) COMMAND TO PRODUCE; INCLUDED OBLIGATIONS:

A COMMAND IN A SUBPOENA TO PRODUCE, DOCUMENTS,

ELECTRONICALLY STORED INFORMATION, OR TANGIBLE

THINGS REQUIRES THE RESPONDING PARTY

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WILLIAM DAUGHTERY  
CORR # F-179985  
P.O. BOX 2349 / D10-1104P  
BLYTHE, CA. 92226

DATE: 19 June 2008

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RE: 08CV0408 WQH (BLM)

## REQUEST FOR CIVIL SUBPOENA (DUCES TECUM)

## LIST OF ITEMS TO BE PRODUCED (CONT.)

TO PERMIT INSPECTION, COPYING, TESTING OR  
SAMPLES OF THE MATERIALS

IT IS HEREBY REQUESTED THAT THE COURT COMMAND  
THE PRODUCTION OF THE FOLLOWING ITEMS:

## I. PARTIES TO ACTION

1. NAMES, ADDRESSES AND OTHER CONTACT INFORMATION  
FOR ALL PARTICIPANTS IN CRIMINAL PROCEEDING, INCLUDING:

A. OFFICER WILSON, S.D. P.D.

B. OFFICER TAGABAN, S.D.P.D.

C. SGT. GRIFFIN, S.D. P.D.

D. DETECTIVE LEMUS, S.D. P.D.

E. STEPHEN (STEVEN) ANDREW MONTGOMERY (WITNESS)

F. RONALD TYSON (WITNESS)

G. ALL OTHERS WITH DISCOVERABLE INFORMATION.

## II. PRIOR PROCEEDINGS MATERIALS: SD# 197549 &amp;

DA. FILE# ABS 65201 CRIMINAL CASE.

A. ANY TRANSCRIPTS (P.C. 1538.5, PRELIMINARY &amp; TRIAL)

B. ANY AND ALL DEPOSITIONS AND STATEMENTS

C. POLICE REPORTS (ALL PARTICIPANTS)

D. PITCHESS' MATERIALS AND EXPERT WITNESS MATERIALS

E. USE OF FORCE REPORTS

WILLIAM DAUGHTERY  
CDCR# F79985  
P.O. BOX 2349 / DIO 410 UP  
BY THE CA. 92226

DATE: 19 JUNE 2008

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RE: 08CV0408 WQH (BLM)

REQUEST FOR CIVIL SUBPOENA (DUCES TECUM)

LIST OF ITEMS TO BE PRODUCED (CONT.)

III. PHOTOS, ELECTRONICALLY STORED INFORMATION, VIDEO.

A. TACTICAL ('TAC-TAPE') TAPE RECORDING OF STING

OPERATION

B. POST-ARREST PHOTOS INCLUDING BOOKING PHOTO 'MUG SHOT'

C. ANY VIDEO FROM ANY SOURCE (I.E. SQUAD CAR CAMERA OR  
SUBSTATION VIDEO MONITORING V)

D. COPIES OF ANY NOTES OR OBSERVATIONS OF ANY OFFICERS  
OR PERCIPIENT WITNESSES OR RECORDINGS

E. ANY OTHER RECORDS CONCERNING 9 MARCH 2006 ARREST.

IV. DOCUMENTS

A. ANY AND ALL DOCUMENTS, INCLUDING MEDICAL  
INFORMATION AND INVESTIGATOR REPORTS REGARDING CASE.

V. PHYSICAL EVIDENCE.

A. ANY PHYSICAL EVIDENCE WHETHER OR NOT USED  
AS EXHIBIT AT TRIAL.

B. (ONE) GREEN SACKET WORN ON NIGHT OF ARREST  
NOT PRESENTED AT CRIMINAL TRIAL.

I, HEREBY CERTIFY THAT A COPY OF THIS DOCUMENT HAS BEEN

SERVED BY MAIL TO:

US DIST. COURT 4TH DIST

880 FRONT ST. #4290

SANDIEGO, CA 92101-8900

WENDY E. DAVISSON

ATTY. FOR DEFENDANTS

CITY ATTORNEY OF SD.  
1200 THIRD AVE # 1100

SANDIEGO, CA 92101-4100

SIGNED

*[Signature]*

WILLIAM DAUGHTERY

**UNITED STATES DISTRICT COURT**

Southern District of California  
Office of The Clerk  
880 Front Street, Room 4290  
San Diego, California 92101-8900  
(619) 557-6348

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**W. Samuel Hamrick, Jr.**  
Clerk of Court

**John Morrill**  
Chief Deputy of Operations

**Alan Counts**  
Chief Deputy of Administration

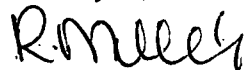
**Michael Nagy**  
Director of Information Technology

June 10, 2008

Dear Mr. Daughtery,

Unfortunately we do not have the forms that you requested. Please submit your requests in pleading format. I am attaching pleading paper for your use.

Thank you,



R. Mullin



MICHAEL DAUGHERTY  
F79985

P.O. Box 2349 / D10-1104P

BLYTHE, CA. 92226

4 JUNE 2008

RE: 08 CV 0408-WQH (BLM)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

880 FRONT STREET, SUITE 4290

SAN DIEGO, CALIFORNIA 92101-8900

CLERK,

I AM PROCEEDING PRO SE AND INFORMATIMUS WITH A COMPLAINT BROUGHT PURSUANT 42 U.S.C. § 1983. I AM A STATE PRISONER AT CHUCKAWALLA VALLEY STATE PRISON.

I HAVE, AS A NECESSITY TO REQUEST FEDERAL CIVIL FORMS UNAVAILABLE DUE TO LACK OF ACCESS TO LAW LIBRARY HERE (SEE ENCLOSED INSTITUTIONAL NOTICE DATED MAY 16, 2008), PLEASE FORWARD THE FOLLOWING FORMS:

- ① SUBPOENA DUCES TECUM
  - ② INTERROGATORIES
  - ③ ADMISSIONS
  - ④ REQUEST TO PRODUCE
  - ⑤ A STATE PRISONER IN CUSTODY OF CALIFORNIA DEPARTMENT OF CORRECTIONS MUST BE CALLED TO TESTIFY AT TRIAL (MR. STEVEN ANDREW MONTGOMERY); SEND FORMS TO EFFECT DIRECTION TO PRODUCE FROM CDCR TO TRIAL.
- FOR PAYMENT FOR FORMS REFERENCE: FORMA PAUPERIS GRANT (DOC. #2) 3/10/2008, THANK YOU.

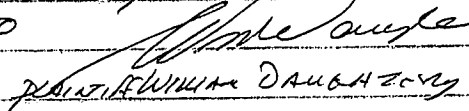
CERTIFICATE OF SERVICE - I HEREBY SWEAR AFFIRM THAT A COPY OF PRECEDING IS SERVED BY MAIL ON THE DEFENDANT'S ATTORNEY OF RECORD:

MICHAEL J. AGUIRRE, CITY ATTORNEY

c/o WENDY DAVISSON, DEPUTY CITY ATTORNEY, CA. NO. 199186

1200 THIRD AVENUE, STE. 1100

SAN DIEGO, CA. 92101-4100

  
MICHAEL J. AGUIRRE